

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TOMMY JUNIOR RICHMOND,)	
)	
Petitioner,)	
)	
v.)	1:12-CV-693
)	1:06-CR-431-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER


The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and, on July 31, 2015, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636. The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that:

1. The petitioner's motion under 28 U.S.C. § 2255, (Doc. 24), is **GRANTED** and the petitioner's sentence is **VACATED**.
2. This matter is set for resentencing on December 1, 2015, at 9:30 a.m. in Courtroom 3, Greensboro.
3. The Clerk shall provide a copy of this order to the Probation Office, which shall prepare a supplement to the Presentence Report containing a recalculated guideline range and any other updated information relevant to sentencing in compliance with the deadlines set in the local rules for sentencings. *See*

L.Cr.R. 32.2. The parties shall advise of objections and file position papers pursuant to the same local rules.

This the 21st day of August, 2015.



UNITED STATES DISTRICT JUDGE